

Translation

PATENT COOPERATION TREATY PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference W1.2101PCT	FOR FURTHER ACTION	
See Form PCT/IPEA/416		
International application No. PCT/EP2004/050157	International filing date (<i>day/month/year</i>) 19.02.2004	Priority date (<i>day/month/year</i>) 28.03.2003
International Patent Classification (IPC) or national classification and IPC 		
Applicant KOENIG & BAUER AKTIENGESELLSCHAFT		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 11 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 12 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table style="margin-left: 20px; border-collapse: collapse;"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:

pages 1-46 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

nos. _____ as originally filed/furnished

nos.* 1-77 as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

the drawings:

sheets 1/33-33/33 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, nos. 78-80 _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application
 claims Nos. 10-12, 15, 16, 23, 32, 46-48

because:

the said international application, or the said claims Nos. _____ relate to the following subject matter which does not require an international preliminary examination (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 10-12, 15, 16, 23, 32, 46-48 are so unclear that no meaningful opinion could be formed (*specify*):

see supplemental sheet

the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for said claims Nos. _____

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form has not been furnished
 does not comply with the standard

the computer readable form has not been furnished
 does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

See Supplemental Box for further details.

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Box No. IV Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:
 - restricted the claims.
 - paid additional fees.
 - paid additional fees under protest.
 - neither restricted the claims nor paid additional fees.
2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
 - complied with.
 - not complied with for the following reasons:

see supplemental sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
 - all parts.
 - the parts relating to claims Nos. _____

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-9, 13, 14, 17-22, 24-31, 33-45, 49-77</u>	YES
	Claims	<u></u>	NO
Inventive step (IS)	Claims	<u>1-9, 13, 14, 17-22, 24-31, 33-45, 49-77</u>	YES
	Claims	<u></u>	NO
Industrial applicability (IA)	Claims	<u>1-9, 13, 14, 17-22, 24-31, 33-45, 49-77</u>	YES
	Claims	<u></u>	NO
2. Citations and explanations (Rule 70.7)			
1. First invention, claims 1 to 59:			
1.1 Independent claims 1 and 49:			
1.1.1 Prior art:	<p>Document DE-A-199 41 634, which is the closest prior art, discloses a device for storing printing cylinder packings, which has the features set out in the preamble of independent device claim 1 and the corresponding method features according to independent method claim 49.</p>		
1.1.2 Problem:	<p>To provide a device and a method for storing at least two packings removed consecutively from the same cylinder of a printing press.</p>		

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1.1.3 Solution

The specific combination of all the features of the corresponding claims 1 and 49, especially the special arrangement of storage positions relative to each other according to the characterizing part of claim 1 and the feature corresponding therewith in the characterizing part of claim 49, is not described in or suggested by the prior art, and hence the above claims involve an inventive step within the meaning of PCT Article 33(3).

1.2 Dependent claims 2 to 9, 13, 14, 17 to 22, 24 to 31, 33 to 45 and 50 to 59:

Dependent claims 2 to 9, 13, 14, 17 to 22, 24 to 31 and 33 to 45 define advantageous embodiments of a storage device for printing cylinder packings, each having all the features of independent claim 1, whereas dependent claims 50 to 59 define advantageous embodiments of the storage method and each have all the features of independent claim 49.

2. Second invention, claims 60 to 66:**2.1 Independent claim 60:****2.1.1 Prior art:**

Document DE-A-43 22 027, which is considered the closest prior art, discloses a method for storing

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	exchangeable printing cylinder packings which has all the features of the preamble of claim 60.

2.1.2 Problem:

To provide a method for storing a plurality of exchangeable printing cylinder packings.

2.1.3 Solution:

The specific combination of all the method steps according to claim 60, in particular the use of the sensor and the guide element according to the characterizing part of claim 60 and the specific rotation position of the printing cylinder, likewise defined in the characterizing part of claim 60, is not described in or suggested by the prior art and hence an inventive step within the meaning of PCT Article 33(3) is established.

2.2 Dependent claims 61 to 66:

Dependent claims 61 to 66 define advantageous embodiments of a method, each embodiment having all the features of independent claim 60.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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3. **Third invention, claims 67 to 77:**3.1 **Independent claim 67:**3.1.1 **Prior art:**

Document DE-A-199 41 634 is the closest prior art document and discloses a method for storing printing cylinder packings which has the features set out in the preamble of independent claim 67.

3.1.2 **Problem:**

To provide a method for storing a plurality of exchangeable printing cylinder packings.

3.1.3 **Solution:**

The specific combination of all the method features in the present claim 67, particularly the special use of a lifter according to the feature in the characterizing part of claim 67, is not described in or suggested by the prior art, and hence an inventive step within the meaning of PCT Article 33(3) is established.

3.2 **Dependent claims 68 to 77:**

Dependent claims 68 to 77 define advantageous embodiments of a method for storing printing cylinder packings, each embodiment having all the features of independent claims 67.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box III.1

**Non-establishment of opinion with regard to novelty,
inventive step and industrial applicability**

Clarity:

1. The application does not meet the requirements of PCT Article 6 because claims 10 to 12, 15, 16, 23, 32 and 46 to 48 are not clear.
2. The features of claims 10 to 12, 15, 16, 23, 32 and 46 to 48, which concern a device for storing cylinder packings, relate to either a definition of the packings themselves (see claims 10 to 12, 23 and 32) or to components or arrangements of components of a printing press (see claims 15, 16 and 46 to 48) and **not** to the definition of the actual device for storing the packings on the basis of its technical features. Therefore, contrary to PCT Article 6, the intended restrictions are not clear from claims 10 to 12, 15, 16, 23, 32 and 46 to 48.

Supplemental Box

Continuation of:

Box IV.1

Lack of unity of invention

1. The Examining Authority has found that the international application contains several inventions not linked by a single general inventive concept (PCT Rule 13.1), that is to say:

I: Claims 1 to 59:

Storage of two cylinder packings one on top of the other in such a way that they are inclined towards the horizontal axis;

II: Claims 60 to 66:

Sensor for examining the attaching limb at the trailing end;

III: Claims 67 to 77:

Lifting of cylinder packings during storage.

2. The reasons are as follows:

The shelf system for storing two cylinder packings on top of each other and vertically offset relative to each other in a position inclined towards the horizontal axis, according to the combination of essential features of the first invention contained in the two independent claims

Supplemental Box

1 and 49, does not automatically have a sensor for verifying the trailing packing end according to the essential feature of the second invention according to claim 60, and vice versa, just as a delivered cylinder packing is not necessarily lifted between a first and a second storage position according to the essential feature of the third invention according to independent claim 67, and vice versa.

Moreover, the special verification procedure of the second invention according to claim 60 likewise does not necessarily comprise the lifting process between two storage positions of the third invention according to claim 67, and vice versa.

3. Contrary to PCT Rule 13.1, there is no relationship in the form of a technical interdependence between the three inventions, expressed in all the independent claims 1, 49, 60 and 67 by identical or corresponding special technical features.